Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2011 covering the prior calendar year 2010.

Date Filed: February 7, 2011

Name of company covered by this certification:

Yoder Enterprises, Inc FRN: 0001677434 Advanced Paging, Inc. FRN: 0006129761

Form 499 Filer ID: 812167

Name of signatory: Alan Yoder

Title of signatory: President

I, Alan Yoder, certify that I am an officer of the companies named above, and acting as an agent of the companies, that I have personal knowledge that the companies have established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R § 64.2001 et seq

Attached to this certification is an accompanying statement explaining how the companies' procedures ensure that the companies are in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The companies have not taken any actions against data brokers in the past year.

The companies <u>have not</u> received any customer complaints in the past year concerning the unauthorized release of CPNI.

The companies represent and warrant that the above certification is consistent with 47.C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The companies also acknowledge that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed: Mm /

Attachments: Accompanying Statement explaining CPNI procedures

Statement Concerning the Protection of Customer Proprietary Network Information for the Annual Period Ending December 31, 2010

- Yoder Enterprises, Inc., and Advanced Paging, Inc. ("Companies") are telecommunications carriers subject to the requirements set forth in Section 64.2009 of the Federal Communications Commission's ("FCC's") rules. The companies have established policies and procedures to satisfy compliance with the FCC's rules pertaining to use, disclosure and access to customer proprietary network information ("CPNI") set forth in sections 64.2001 et. seq.
- As a matter of practice, the Companies do not use CPNI for purposes of marketing to their customers.
- 3. If a customer calls the Companies requesting information that is considered CPNI, Companies do not release such information unless customer provides a pre-established password (or adequate identifying information), requests that the information be sent to the customer's address of record, or the Companies call the telephone number of record and discusses the requested information.
- 4. Without customer approval, Companies do not use, disclose or permit access to CPNI to provide or market service offerings within a category of service to which the customer does not already subscribe, except as permitted by the FCC rules.
- 5. Information protected by the Companies include information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by a customer and made available to the Companies by the customer solely by virtue of the carrier-customer relationship. Also protected is information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer.
- The Companies do not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.
- 7. The Companies have established a system by which they can determine whether a customer has approved or disapproved of Company's release or use of CPNI prior to that information being used or released. However, pursuant to item 2 (above), regardless of whether the customer indicates that they allow or disallow access to the information, the Companies' personnel treat all accounts as if the information has been disallowed.

- Company personnel are trained as to when they are and are not authorized to release or use CPNI, and violation of these rules will subject personnel to express disciplinary action.
- 9. If and when customer approval to use, disclose, or permit access to customer CPNI is desired, The Companies obtain such customer approval through written or oral methods (however, we only utilize the oral authorization to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts, and such CPNI authority, if granted, lasts only for the duration of that specific call). The Companies honor a customer's approval or disapproval until the customer revokes or limits such approval or disapproval.
- 10. The Companies have established a procedure whereby all sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval of the use of CPNI and records reflecting carrier compliance with the Commission Rules are maintained for a minimum of one year.
- 11. Prior to any solicitation for customer approval, The Companies provide notification to customers of their right to restrict use of, or disclosure of, and access to the customer's CPNI. Records of these notifications are maintained for a period of at least one year.
- 12. The Companies' notifications provide information sufficient to enable our customers to make informed decisions as to whether to permit the use or disclosure of, or access to, their CPNI. The Companies notifications do: (1) contain a statement that the customer has a right, and Company has a duty under federal law, to protect the confidentiality of CPNI; (2) specify the types of information that constitute CPNI and the specific entities that will receive the CPNI; (3) describe the purposes for which the CPNI may be used; and (4) inform the customer of the right to disapprove those uses and deny or withdraw access to or use of CPNI at any time.
- 13. The Companies' notifications inform the customer that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes is valid until the customer affirmatively revokes or limits such approval or denial.
- 14. The Companies advise their customers of the precise steps the customer must take in order to grant or deny access to CPNI, and that denial of approval will not affect the provision of any services to which the customer subscribes.
- 15. Although the Companies do not use CPNI for marketing, if it did it would maintain a record of its sales and marketing campaigns that use

customer's CPNI. Further, there would be a record of all instances where CPNI was disclosed or provided to third parties or where third parties were allowed access to CPNI is maintained by the Companies. Those records would reflect a description of the campaigns, the specific CPNI used in the campaign and what products or services were offered as part of the campaign. These records would be retained for a minimum of one year.

- 16.The Companies will obtain opt-in consent from customers before disclosing customer's CPNI to any joint venture partner or independent contractor.
- 17. If a breach of CPNI occurs, The Companies will provide electronic notification of the breach to the U.S. Secret Service and the FBI within seven (7) days. The Companies will also notify customer after seven (7) more days unless there is a risk of immediate and irreparable harm to the customer in which case Company will notify the customer immediately. The Companies will keep records or discovered breaches for at least two (2) years.